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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,807	09/29/2003	Tae-Kyung Kim	02-ASD-272 (EM)	2212
200	7590	04/10/2006	EXAMINER	
EATON CORPORATION EATON CENTER 1111 SUPERIOR AVENUE CLEVELAND, OH 44114			ROSSI, JESSICA	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/673,807

Applicant(s)

KIM, TAE-KYUNG

Examiner

Jessica L. Rossi

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 2/3/06, Amendment.
- ☒ This action is FINAL. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-8 is/are pending in the application.
 - Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-8 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- ☐ The specification is objected to by the Examiner.
- ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - ☐ All ☐ Some * ☐ None of:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated 2/3/06. Claims 1-8 are pending.
2. The rejection of claim 1 under 35 USC 103(a) as being unpatentable over the Admitted Prior Art in the present specification in view of the collective teachings of Amphlett (US 3767211, of record) and Robins (US 3740062, of record), as set forth in paragraph 3 of the previous action, has been withdrawn in light of the present amendment; note Applicant's arguments presented in the last paragraph on p. 5 of the remarks regarding the Amphlett and Robins references.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art in the present specification in view of Muller et al. (DE 3210377).

With respect to claim 1, it appears Applicant is teaching all the limitations of the claimed method for sealing between a plurality of adjoining gaskets disposed between a plurality of structural members being known in the art, except - the sealant being a capsule of curable viscous sealant that is disposed on one of the gaskets and then squeezed with the structural members to dispense the uncured sealant from the capsule, wherein the capsule contains sufficient sealant to substantially seal the pocket, and curing the sealant (p. 2, sections [0002-0005]).

It is known generally in the gasket art, but also specifically in the gasket art as it relates to internal combustion engines, to form a seal between a gasket 3 and another surface by disposing a capsule of curable viscous sealant (reference 10 in Figure 1, reference 14 in Figure 2, reference 17 in Figure 3) on the gasket, squeezing the capsule by pressing the gasket and the surface together to dispense the uncured sealant from the capsule into the pocket formed between the gasket and surface, wherein the capsule contains sufficient viscous sealant to substantially seal the pocket, and curing the sealant, as taught by Muller (abstract and oral translation). Such a sealant delivery system is preferred over other sealant delivery systems, such as machine-injected sealants, because it is not as messy, costly or time consuming.

Therefore, it would have been obvious to one having ordinary skill in the art to seal between the gaskets of the Admitted Prior Art by disposing a capsule of curable viscous sealant on one of the gaskets, squeezing the capsule with the structural members and dispensing the uncured sealant from the capsule into the pocket, wherein the capsule contains sufficient viscous sealant to substantially seal the pocket, and curing the sealant because such a sealant delivery system is known in the gasket art, as taught by Muller, and it is not as messy, costly or time consuming as other types of sealant delivery systems.

Regarding claims 2-4, Muller teaches the capsule comprising a sealant contained in a thin walled semi-rigid container but is not concerned with how the capsule is formed. Therefore, selection of a forming technique would have been within purview of the skilled artisan; it being noted that the claimed technique is well known and conventional in the capsule art.

As for the type of sealant material in the capsule, selection of a particular sealant would have been within purview of the skilled artisan depending on the material of the gaskets being

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sealed by the sealant; it being noted that the claimed sealants are well known and conventional in the gasket art.

Regarding claims 5-6, Muller teaches such.

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art and Muller et al. as applied to claim 1 above, and further in view of the collective teachings of Walding (US 5853030, of record) and the prior art referred to by Leiszter (US 5149108, of record).

Regarding claims 7-8, the Admitted Prior Art is silent as to a particular configuration for the adjoining gasket surfaces. Selection of a configuration would have been within purview of the skilled artisan; however, it would have been obvious to use interdigitated surfaces, such as tongue and groove, because such is known in the gasket art, as taught by the collective teachings of Walding (Figure 2; column 3, lines 25-35) and the prior art referred to by Leiszter (column 1, lines 15-23).

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art in the present specification in view of the collective teachings of Beers (US 3756635), Stol (US 4514125) and Abraham (US 5888334).

With respect to claim 1, it appears Applicant is teaching all the limitations of the claimed method for sealing between a plurality of adjoining gaskets disposed between a plurality of structural members being known in the art, except - the sealant being a capsule of curable viscous sealant that is disposed on one of the gaskets and then squeezed with the structural members to dispense the uncured sealant from the capsule, wherein the capsule contains

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sufficient sealant to substantially seal the pocket, and curing the sealant (p. 2, sections [0002-0005]).

It is known in a variety of arts to form a seal between two members by disposing a capsule of curable viscous sealant on one of the members, squeezing the capsule by pressing the members together to dispense the uncured sealant from the capsule into the pocket formed between the members, wherein the capsule contains sufficient viscous sealant to substantially seal the pocket, and curing the sealant, as taught by the collective teachings of Beers (Abstract; **Figure 6**; column 1, lines 7-8 and 12-14 and 44-53; column 2, lines 17-35; **column 3, lines 44-48; column 6, lines 34-41 and 45 and 55-57**; column 6, line 68 – column 7, line 1), Stol (Figures 1-5; column 1, lines 37-65; column 2, line 39 – column 3, line 5; column 3, lines 17-18), and Abraham (column 1, lines 35-45). Such a sealant delivery system is preferred over other sealant delivery systems, such as machine-injected sealants, because it is not as messy, costly or time consuming (Beers at column 1, lines 44-55 and column 6, line 68 – column 7, line 1; Stol at column 1, lines 37-65).

Therefore, it would have been obvious to one having ordinary skill in the art to seal between the gaskets of the Admitted Prior Art by disposing a capsule of curable viscous sealant on one of the gaskets, squeezing the capsule with the structural members and dispensing the uncured sealant from the capsule into the pocket formed between the gaskets, wherein the capsule contains sufficient viscous sealant to substantially seal the pocket, and curing the sealant because such is known in the art, as taught by the collective teachings of Beers, Stol and Abraham, where such a sealant delivery system is not as messy, costly or time consuming as other types of sealant delivery systems.

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Regarding claims 2-4, the collective teachings of Beers, Stol and Abraham disclose the capsule comprising a sealant contained in a thin walled semi-rigid container but are not concerned with how the capsule is formed. Therefore, selection of a forming technique would have been within purview of the skilled artisan; it being noted that the claimed technique is well known and conventional in the capsule art.

As for the type of sealant material in the capsule, selection of a particular sealant would have been within purview of the skilled artisan depending on the material of the gaskets being sealed by the sealant; it being noted that the claimed sealants are well known and conventional in the gasket art.

Regarding claims 5-6, the collective teachings of Beers (column 2, lines 28-35), Stol and Abraham disclose such.

7. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art and the collective teachings of Beers, Stol and Abraham as applied to claim 1 above, and further in view of the collective teachings of Walding and the prior art referred to by Leiszter.

Regarding claims 7-8, the Admitted Prior Art is silent as to a particular configuration for the adjoining gasket surfaces. Selection of a configuration would have been within purview of the skilled artisan; however, it would have been obvious to use interdigitated surfaces, such as tongue and groove, because such is known in the gasket art, as taught by the collective teachings of Walding (Figure 2; column 3, lines 25-35) and the prior art referred to by Leiszter (column 1, lines 15-23).

Response to Arguments

8. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JESSICA ROSSI
PRIMARY EXAMINER

A handwritten signature in cursive script, reading "Jessica Rossi".